

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

*Plaintiff,*

V.

23.311 ACRES OF LAND, more or less,  
situated in HIDALGO COUNTY, STATE  
OF TEXAS; and FRANK SCHUSTER FARMS  
INC., et al.,

*Defendants.*

CASE NO. 7:19-CV-407

## JOINT STIPULATION

Plaintiff the United States of America (“United States”) and Defendant Frank Schuster Farms, Inc. (“Defendant”) recognize and agree that the flood levee on the property that is the subject of this condemnation proceeding has been altered and is in need of repair and restoration, that reasonable safeguards of the construction site consistent with industry standards shall be used on the subject property, and safe and reasonable access shall be provided to Defendant’s land on both sides of the flood levee.

The United States and Defendant now make this Joint Stipulation as follows:

(a.) The United States shall take measures to begin the process of restoring the structural and functional integrity of the flood levee on the property that is the subject of this condemnation proceeding which shall include but is not limited to backfilling of soil behind newly constructed concrete levee wall, constructing of concrete levee wall to the height of the existing levee where earthen levee has been removed, and re-contouring of soils on the levee to allow for natural drainage and surface water flow;

(b.) The contractors contracted by the United States shall take reasonable measures consistent with industry standards to safeguard the construction site on the property that is the subject of this condemnation proceeding;

(c.) The United States shall make provision for pedestrian, passenger vehicle, and farm equipment access across the property that is the subject of this condemnation proceeding to Defendant's property on both sides of the flood levee in the areas previously agreed to by the parties;

(d.) The United States shall request its contractor(s) begin work on the property that is the subject of this condemnation proceeding as soon as practicable and shall begin work on the above-described measures in no less than twenty-eight (28) days from the date of this stipulation and thereafter shall actively pursue the aforementioned measures to completion without interruption or delay except in the event of Force Majeure; and

(e.) No later than sixty (60) days after the date of this order, and every sixty (60) days thereafter, the United States shall file written status reports to the Court regarding tasks completed in the previous sixty (60) days and the status of any outstanding tasks that remain to be completed.

This joint stipulation and motion shall inure to the benefit of the heirs, executors, administrators, devisees, successors, assigns, agents, and representatives of Defendant.

**AGREED:**

JENNIFER B. LOWERY  
Acting United States Attorney  
Southern District of Texas

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ATTORNEYS FOR DEFENDANTS,  
FRANK SCHUSTER FARMS, INC. AND  
EL SABINO FAMILY FARMS, LLC